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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,680	01/24/2000	Robert J. Monson	5360	7479

7590 07/10/2002

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,680

Applicant(s)

MONSON ET AL.

Examiner

Alfred J Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

This is the first Office Action for the serial number 09/490,680, User Coupled Workspace Shock Isolation System, filed on January 24, 2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,277,584 to DeGroat et al.

DeGroat et al. discloses a shock-isolation system (S) including a unitary metal platform (12,23) with an operator station (21) thereon, a first mounting member (which is the parts of 23 supporting 25) and a shock mount 10,16,18,34,36,38-39,40-42 wherein the system is only supported by the shock mount (figure 2). See also Degroat et al. column 6, lines 24-29. The shock mount is located between a support structure (10) and the platform (12).

DeGroat also discloses that the platform includes a foot deck which is the area of platform located between the operator station (21) and first mounting member (figure 1). Furthermore, DeGroat et al. discloses that the platform includes an upright wall (which is the wall of 23 that extends upward from 12 and supports 54) having the first mounting member (figure 2). Finally, Degroat et al. discloses that the shock mount provides vibration damping,

isolates the operator station and platform from shock and vibration, and dampens vibration and shock.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeGroat et al. DeGroat et al. discloses the invention substantially as claimed and as applied to the claims above. However, DeGroat et al. does not disclose that the unitary platform has a surface area of about 20 to 30 square feet. It is common knowledge in the prior art to have made a platform with a surface area of about 20 to 30 feet for the purpose of supporting various size objects thereon. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have made the De Groat et al. platform with a surface area about 20 to 30 feet in order to support a larger size operator station and other various sized structures.

Response to Arguments

Applicant's arguments filed 6/24/02 have been fully considered but they are not persuasive.

With respect to applicant's argument on page 3, stating that DeGroat does not disclose a shock isolation system. The examiner believes that DeGroat teaches the same function for absorbing and preventing the vibration/shock from an external impact. When the external impact

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strikes the ground/floor, the vibration/shock will travel toward to the support structure and then to the shock mount. The function for shock mount is to prevent the vibration/shock from entering the platform to effect the operator.

The applicant's argues that the term of "shock" is different from the term of "vibration". According to Merriam Webster's Collegiate Dictionary where it says "shock" is a **disturbance** in the **equilibrium** or permanence of something; while "vibration" says, a periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium when that **equilibrium** has been **disturbed**. The examiner believes that "shock" and "vibration" teach same function.

The applicant disagreed that DeGroat does not teach the unitary platform is free to remain spatially fixed, thereby isolating the unitary platform from the effects of high "g" shocks to the supporting structure. The applicant believes that DeGroat et al. shows a rigid connection between the shock mount and the unitary platform, which cannot function as a shock mount. The examiner believes the specification (col. 6, lines 38-54) in DeGroat et al.'s patent # 5,277,584, explains that the shock mount and the platform are freely movement from each other. The spring and cylinder allow the platform to move in any direction above the shock mount and remain in connection with the shock mount. The examiner believes that DeGroat teaches the same function as the applicant's invention.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred J Wujciak III whose telephone number is 703 306 5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703 308 2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 3519 for regular communications and 703 308 3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.



Joey Wujciak
July 8, 2002



ANITA KING
PRIMARY EXAMINER